

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERNEST L. BROWN,

Petitioner,

V.

DIRECTOR, TDCJ-CID,

Respondent.

Case No. 6:23-cv-584-JDK-KNM

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Ernest Brown, a Texas Department of Criminal Justice inmate proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On November 25, 2024, Judge Mitchell issued a Report and Recommendation recommending that the Court deny the petition and dismiss this case with prejudice as barred by the statute of limitations. Docket No. 16. A copy of this Report was mailed to Petitioner at his last-known address. To date, Petitioner has not objected to the Report.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Petitioner did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Because no objections have been filed, Petitioner is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the Court except upon grounds of plain error. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 16) as the findings of this Court. This petition for habeas corpus is hereby **DENIED** and this action is **DISMISSED** with prejudice. The Court **DENIES** a certificate of appealability. All pending motions are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this **3rd** day of **February, 2025**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE